

**AMENDMENTS TO THE CLAIMS WITH MARKINGS TO SHOW CHANGES
MADE, AND LISTING OF ALL CLAIMS WITH PROPER IDENTIFIERS**

1. (Currently amended) Tensioner (1) for a traction drive, with a rotationally fixed housing (2) having one end formed with a recess for arrangement of a bearing receptacle (6), for receiving and guiding an axle (9) which is connected to a swivel arm (10) arranged on the side of the housing (2), wherein a rotatable tension roller is arranged on the free end of the swivel arm (10) and disposed upon the traction drive, and a torsion spring (7) in concentric surrounding relationship to the bearing receptacle (6) between the housing (2) and the swivel arm (10) for loading the swivel arm (10) in the direction of an end position and thereby simultaneously axially spreading apart these components, wherein a friction disk (11) is connected to the swivel arm (10) and is urged in forced engagement with the housing (2) for realizing a dampened adjusting movement, characterized in that at least one elastic insert (17a to 17e) of PU-foam fills over an axial partial length of the torsion spring (7) a circular ring shaped space (16, 19) which is radially defined by a radially inwardly disposed portion of the ~~housing (2)~~ bearing receptacle and the surrounding torsion spring (7), wherein the insert has one portion to bear against the radially inwardly disposed portion of the bearing receptacle and another portion to bear against the surrounding torsion spring to thereby bridge the circular ring shaped space in radial direction.

2. (Canceled)
3. (Currently amended) Tensioner according to claim 1, characterized in that the insert (17b) is placed in the space (19) which is defined by the torsion spring (7) and an inner wall of the housing ~~(2)~~ bearing receptacle (6).
4. (Original) Tensioner according to claim 1, characterized in that the tensioner (1) includes two inserts (17a, 17b) for placement in the spaces (16 and 19).
5. (Original) Tensioner according to claim 1, characterized in that the insert (17a, 17c, 17d) is so placed as to realize a radial overlap between the outer diameter of the bearing receptacle (6) and the inner diameter of the insert (17a, 17c, 17d).
6. (Original) Tensioner according to claim 1, characterized in that an outer diameter of the insert (17a, 17b, 17c, 17d) exceeds the inner diameter of the torsion spring (7) in installed state.
7. (Original) Tensioner according to claim 1, characterized in that in the installation state, the inner diameter of the insert (17b) is smaller than the outer diameter of the torsion spring (7).

8. (Original) Tensioner according to claim 1, characterized by a tubular insert (17a, 17b) placed in the tensioner (1).
9. (Original) Tensioner according to claim 1, characterized by a tubular insert (17c, 17d) which, when viewed in half-section, has a U-shaped profile with walls substantially in parallel relationship.
10. (Original) Tensioner according to claim 9, characterized in that the walls (21, 22) of the insert (17c, 17d) have different lengths.
11. (Original) Tensioner according to claim 9, characterized in that the wall (24) of the insert (17d), resting against the torsion spring (7), is provided with at least one elongate slot (24).
12. (Original) Tensioner according to claim 9, characterized in that the insert (17c, 17d) circumscribes in an installation position with the shorter wall (22) the outer surface area of the bearing receptacle (6).
13. (Original) Tensioner according to claim 9, characterized in that the insert (17c, 17d) is supported in an installation position with the wall (21) by a mid-section "M" of the torsion spring (7).

14. (Original) Tensioner according to claim 1, characterized by an insert (17e) which is so positioned upon the bearing receptacle (6) that their calotte-shaped outer contour is supported with an equatorial plane upon the inside of the torsion spring (7).
15. (Original) Tensioner according to claim 1, characterized in that the axial length of the insert (17a) at least corresponds to the distance of three windings of the torsions spring (7) in installed state.
16. (Original) Tensioner according to claim 3, characterized in that the insert (17b) fixed in place in a ring groove (20) of the housing (2) embraces the outside of the torsion spring (7).
17. (Previously presented) Tensioner according to claim 1, characterized in that the insert (17a) is non-detachable fixed in place upon the bearing receptacle (6) in the area of a contact surface (18).
18. (Canceled)

19. (Currently amended) A tensioner for a traction drive, comprising:
- a housing having an interior space;
 - a swivel arm, mounted on an axle which is guided by an inner housing wall, for supporting a rotatable tension roller interacting with the traction drive;
 - a torsion spring disposed in the interior space between the housing and the swivel arm for loading the swivel arm to seek an end position;
 - a friction disk connected to the swivel arm and urged in forced engagement with the housing for realizing a dampened adjusting movement; and
 - at least one elastic insert made of PU foam and received in the interior space between the torsion spring and a radially inwardly disposed confronting surface of the inner housing wall and extending over an axial partial length of the torsion spring, wherein the insert has one portion to bear against the confronting surface of the inner housing wall and another portion to bear against the torsion spring to thereby bridge the interior space in radial direction.
20. (Previously presented) The tensioner of claim 19, wherein the insert is placed between an inside area of the torsion spring and the inner housing wall.
21. (Previously presented) The tensioner of claim 20, and further comprising a second said insert placed in the interior space between an outside of the torsion spring and a confronting surface of an outer housing wall.

22. (Previously presented) The tensioner of claim 19, wherein the insert has an inner diameter which is smaller than an outer diameter of the inner housing wall.
23. (Previously presented) The tensioner of claim 19, wherein the insert has an outer diameter is greater than an inner diameter of the torsion spring.
24. (Previously presented) The tensioner of claim 19, wherein the insert has an inner diameter which is smaller than an outer diameter of the torsion spring.
25. (Previously presented) The tensioner of claim 19, wherein the insert has a tubular configuration.
26. (Previously presented) The tensioner of claim 25, wherein the insert, when viewed in half-section, has a U-shaped profile with walls substantially in parallel relationship.
27. (Previously presented) The tensioner of claim 26, wherein the walls of the insert have different lengths.
28. (Previously presented) The tensioner of claim 26, wherein one of the walls of the insert rests against the torsion spring and is provided with at least one elongate slot.

29. (Previously presented) The tensioner of claim 26, wherein one of the walls of the insert is shorter and circumscribes an outer surface area of the inner housing wall.
30. (Previously presented) The tensioner of claim 26, wherein one of the walls of the insert rests in a mid-section against the torsion spring.
31. (Previously presented) The tensioner of claim 20, wherein the insert has a calotte-shaped outer contour and defines an equatorial plane resting against the inside area of the torsion spring.
32. (Previously presented) The tensioner of claim 19, wherein the insert has an axial length which at least corresponds to a distance of three windings of the torsions spring.
33. (Previously presented) The tensioner of claim 21, wherein the second insert is received in an inner ring groove of the outer housing wall.
34. (Previously presented) The tensioner of claim 19, wherein the insert is non-detachable fixed to the inner housing wall.
35. (Previously presented) The tensioner of claim 19, wherein the insert is glued to the inner housing wall.

Docket No: BERETLSHOFER
Appl. N : 10/089,423

Claims 36, 37 (Canceled).

38. (New) Tensioner according to claim 1, characterized in that the insert has one portion to bear against the housing and another portion to bear against the torsion spring.
39. (New) Tensioner according to claim 17, characterized in that the insert (17a) is glued upon the bearing receptacle (6) in the area of a contact surface (18).
40. (New) The tensioner of claim 19, wherein the insert has one portion to bear against the housing and another portion to bear against the torsion spring.

Docket No: BERETLSHOFER
Appl. No: 10/069,423

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of February 10, 2004.

Record is also made of an interview between applicant's representative and the Examiner which took place on May 7, 2004. The Examiner is thanked for her help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed, and as a result of the interview, applicant now submits amendments to claims 1 and 19 which are drawn up in accordance with the agreement at the interview so as to overcome each and every objection or rejection to the claims as set forth in the Examiner's Official Action of February 10, 2004. Claim 2 has now been canceled, and claim 3 has been amended to make it consistent with the changes to claim 1.

The Examiner agreed that the subject matter of claim 1 and 19 is distinguishable over the prior art of record; however, an updated search is needed to make a final determination about patentability.

In view of the above, each of the presently pending claims in this application is considered patentably differentiated over the prior art of record and believed to be in immediate conditions for allowance. Reconsideration and allowance of the present application are thus respectfully requested.

Docket No: BERETLSHOFER
Appl. N : 10/069,423

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: May 10, 2004
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:af